

**REMARKS**

This amendment responds to the Office Action mailed July 27, 2004. Each of the issues raised by the Examiner in that action are addressed below.

**Abstract**

The Examiner objected to the use of the term "safer" in the abstract by saying the term improperly referred to purported merits of the invention. Applicant has now amended the abstract to delete the word "safer."

**Claim Rejections – 35 USC §112**

The Examiner rejected claim 20 as indefinite because of two occurrences of the phrase "a support structure." This amendment cancels claim 20 without prejudice, so this rejection is moot.

**Claim Rejections – 35 USC §102(b)**

The Examiner rejected claims 20 and 22 under 35 U.S.C. §102(b) as anticipated by Lokey (US Patent 3,785,230). That rejection is traversed, but claims 20 and 22 have been cancelled without prejudice so the rejection is now moot.

**Claim Rejections – 35 USC §103(a)**

The Examiner rejected claim 9 under 35 U.S.C. §103(a) as obvious over Lokey in view of Yoneda (US Patent 4,117,752) and Peter (US Patent 3,805,639). That rejection is traversed because none of the cited references teach or suggest a detection system as set forth in the claim and because there is no teaching, suggestion or motivation to combine the references as suggested by the Examiner. Nevertheless, applicant has amended claim 9 to specify that the reaction system "covers the cutter with a flexible material." That limitation is clearly not shown in any of the cited references. Applicant is

making this amendment to place the application in a condition for allowance. Applicant reserves the right to pursue claims similar to claim 9 as it existed prior to this amendment in other applications.

#### **Obviousness-Type Double Patenting**

The Examiner provisionally rejected claim 20 under the judicially created doctrine of obviousness-type double patenting in light of several of applicant's co-pending applications. This rejection is now moot because applicant has canceled claim 20 without prejudice.

The Examiner also provisionally rejected claim 9 under the judicially created doctrine of obviousness-type double patenting in light of claims 1-10 of co-pending application number 10/643,296. This rejection is now moot because applicant has amended claim 9 as set forth above.

#### **Allowable Subject Matter**

The Examiner did not discuss claims 1, 3-5, 11-16 and 18 in the present office action. Applicant understands that these claims are all allowable and requests the Examiner to so indicate.

#### **Withdrawn Claims**

Applicant requests that withdrawn claims 17 and 19 be reinstated and allowed to issue because they depend from claim 1 and should be allowable for the same reasons that claim 1 is allowable.

**CONCLUSION**

Applicant's currently pending claims distinguish the cited references and therefore applicant requests that the application proceed to issuance. Please call the undersigned with any questions.

Respectfully submitted,

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Date: October 26, 2004

  
David A. Fanning